

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In re:

MICHAEL STEPHEN VAUGHN,

CHAPTER 13

DEBTOR.

CASE NO. 21-11260-KHK

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO SUSTAIN THE OBJECTION SOUGHT HEREIN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE OBJECTION, THEN YOU MUST ATTEND THE HEARING ON THIS MATTER. OTHERWISE, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ISSUE AN ORDER SUSTAINING THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

THE HEARING IS SCHEDULED TO BE HELD ON SEPTEMBER 8, 2021 AT 1:30 PM AT THE U.S. BANKRUPTCY COURT, ALEXANDRIA DIVISION, 200 S. WASHINGTON STREET, ALEXANDRIA, VA 22314, IN COURTROOM NUMBER III, 3RD FLOOR.

COMES NOW, Wells Fargo Bank, N.A. ("Secured Creditor"), by Counsel, and objects to the confirmation of the Chapter 13 Plan (the "Plan") and in support thereof, represents unto the Court:

1. Secured Creditor has a claim against the property of the Debtor located at 1072 Light House Drive, Corolla, NC 27927 by virtue of the Note and accompanying Deed of Trust.
2. Secured Creditor is in the process of preparing and filing a Proof of Claim in this case, which will reflect pre-petition arrears of approximately \$14,506.92.
3. The Plan makes no provision for Secured Creditor's claim.
4. Although the Plan refers to post-petition payments being paid outside of the Plan in the Nonstandard Plan Provisions, the Property is not listed. Also, section 12 of the Plan states that the Debtor is seeking a sale but does not specify which property or provide any additional details. The Plan does not contain any contingency provision if the sale of the Property is unsuccessful. Debtor does

not propose a timeline for completion of this alleged potential sale. Secured Creditor objects to the ambiguity contained in the filed Plan with regard to timely payment in full. Secured Creditor objects to the lack of adequate protection contained in the vague provisions of the Plan.

5. Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the objections specified above in order to be feasible and to provide adequate protection to this Secured Creditor. It is respectfully requested that this Court deny confirmation of the Plan.

WHEREFORE, the undersigned requests as follows:

1. That confirmation of the proposed Plan be denied;
2. Debtor be required to modify the Plan to honor the terms and conditions of the Deed of Trust; and
3. For such other relief as this Court deems proper.

Wells Fargo Bank, N.A.

By: **/s/JOHNIE R. MUNCY**

Eric D. White, Esquire, Bar No. 21346

Johnie R. Muncy, Esquire, Bar No. 73248

1804 Staples Mill Road, Suite 200

Richmond, VA 23230

D. Carol Sasser, Esquire, Bar No. 28422

596 Lynnhaven Parkway, Suite 200

Virginia Beach, VA 23452

Samuel I. White, P.C.

Tel: (757) 490-9284

Fax: (757) 497-2802(757) 490-8143

jmuncy@siwpc.com

CERTIFICATE OF SERVICE

I certify that on July 21, 2021, the foregoing Objection was served via CM/ECF on Thomas P. Gorman, Trustee, and Amir Raminpour, Counsel for Debtor, at the email addresses registered with the Court, and that a true copy was mailed via first class mail, postage prepaid, to Michael Stephen Vaughn, Debtor, 6641 Wakefield Drive, Alexandria, VA 22307-6878.

/s/JOHNIE R. MUNCY

Johnie R. Muncy, Esquire

Samuel I. White, P. C.